United Nations S/AC.47/2011/1

Security Council

Distr.: General
29 April 2011

Original: English

Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

Note verbale dated 25 April 2011 from the Permanent Mission of Japan to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Japan to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan and has the honour to refer to the provisions of resolution 1945 (2010), adopted by the Security Council on 14 October 2010.

The Permanent Mission of Japan has the honour to provide the Chairman with a report on the actions taken by Japan to implement the measures imposed by Council resolutions 1556 (2004) and 1591 (2005), pursuant to resolution 1945 (2010) (see annex).

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Annex to the note verbale dated 25 April 2011 from the Permanent Mission of Japan to the United Nations addressed to the Chairman of the Committee

1. Japan's export control legislation and measures in accordance with paragraphs 7 and 8 of Security Council resolution 1556 (2004) and paragraph 7 of resolution 1591 (2005) (arms embargo)

The Government of Japan has been dealing carefully with arms control in accordance with the three principles on arms exports (hereinafter referred to as "the three principles") and their related policy guidelines in order to avoid any possible aggravation of international conflicts. The three principles have formed Japan's basic policy concerning its arms exports since they were declared at the Diet session in 1967. Arms as referred to in the three principles are defined as goods that are used by military forces and that are directly employed in combat; specifically, the 17 goods listed under item 1 of annexed list 1 of the Export Trade Control Order (see enclosure).

Under the three principles, arms exports to the following countries or regions shall not be permitted:

(a) Communist bloc countries;

(b) Countries subject to arms exports embargo under Security Council resolutions;

(c) Countries involved in or likely to be involved in international conflicts.

At the Diet session in February 1976, the Government of Japan announced the policy implementing guidelines, which outlined that arms exports to other areas not included in the three principles would also be restrained, in conformity with Japan's position as a peace-loving nation. In other words, the collateral policy implementing guidelines declared that the Government of Japan shall not promote "arms" exports, regardless of the destination.

Japan's export control system is based on the Foreign Exchange and Foreign Trade Law (Law No. 228 of 1948) (hereinafter referred to as the "Foreign Exchange Law"), which provides the general legal framework governing Japan's external transactions, as well as the Export Trade Control Order (Executive Order No. 414 of 1949) (for goods) and the Foreign Exchange Order (Executive Order No. 260 of 1980) (for technologies). In accordance with those regulations, the Government of Japan exercises careful control over exports of all items on the lists attached to the orders by means of a licensing requirement.

Based on the Foreign Exchange Law, the Government of Japan controls the export of 17 types of goods and technologies that are described as "subject to control" in the Export Trade Control Order (see enclosure) and the Foreign Exchange Order Attachment List. Goods and technologies described in those lists correspond to the goods and technologies controlled by the four international export control regimes, namely the Wassenaar Arrangement, the Missile Technology Control Regime, the Nuclear Suppliers Group and the Australia Group.

2. Measures in accordance with subparagraph 3 (d) of Security Council resolution 1591 (2005) and resolution 1672 (2006) (travel ban)

The Government of Japan has taken, in accordance with the Immigration Control and Refugee Recognition Act, the actions to prevent the entry into or transit through its territories of all persons designated by Security Council resolution 1672 (2006), pursuant to subparagraph 3 (d) of resolution 1591 (2005).

3. Measures in accordance with subparagraph 3 (e) of Security Council resolution 1591 (2005) and resolution 1672 (2006) (asset freeze)

The Government of Japan has taken, in accordance with the Foreign Exchange Law, the following actions, which are necessary to implement the measures in the relevant paragraphs of the above-mentioned resolutions:

(a) To freeze the funds, other financial assets and economic resources that were on its territories on the date of the adoption of Security Council resolution 1672 (2006), pursuant to subparagraph 3 (d) of resolution 1591 (2005), or at any time thereafter, that are owned or controlled directly or indirectly by the persons designated by Security Council resolution 1672 (2006), pursuant to subparagraph 3 (d) of resolution 1591 (2005), or that are held by entities owned or controlled directly or indirectly by any persons acting on their behalf or at their direction;

(b) To prevent any funds, financial assets or economic resources from being made available by its nationals or by any persons within its territories, to or for the benefit of persons or entities designated by Security Council resolution 1672 (2006), pursuant to subparagraph 3 (e) of resolution 1591 (2005).

Enclosure

Arms and arms production-related equipment listed as item 1 of the annexed list 1 of the Export Trade Control Order

1. Firearms, and cartridges to be used thereof (including those to be used for emitting light or smoke), and accessories and parts thereof.
2. Ammunition (excluding cartridges) and equipment for its dropping or launching, and accessories and parts thereof.
3. Explosives (excluding ammunition) and military fuel.
4. Explosive stabilizers.
5. Directed energy weapons and parts thereof.
6. Kinetic energy weapons (excluding firearms) and equipment for their launching, including parts thereof.
7. Military vehicles and accessories and bridges specially designed for military use thereof, including parts thereof.
8. Military vessels and hulls and accessories thereof, including parts thereof.
9. Military aircraft and accessories and parts thereof.
10. Anti-submarine nets, anti-torpedo nets and buoyant electric cable for sweeping magnetic mines.
11. Armour plates and military helmets, including bullet-proof jackets and parts thereof.
12. Military searchlights and control equipment thereof.
13. Bacterial, chemical and radioactive agents for military use, as well as equipment and parts thereof for the dissemination, protection, detection or identification thereof.

13-2. Chemical mixtures specially formulated for the decontamination of objects contaminated with biological agents and radioactive materials adapted for use in war and chemical warfare agents.

14. Biopolymers for the detection and identification of chemical agents for military use and cultures of cells for the production thereof, as well as biocatalysts for the decontamination and degradation of chemical agents for military use and expression vectors, viruses or cultures of cells containing the genetic information necessary for the production thereof.
15. Equipment and parts thereof for the production or testing of military explosives.
16. Equipment for the production or testing of arms, including parts and accessories thereof.